

supervise, lease and rent lands in the lakes, bays and inlets within tide water limits along the Gulf of Mexico; to authorize the expenditure of the funds received from such sources for certain purposes; giving concurrent jurisdiction to peace officers over certain boundaries of water, and declaring an emergency."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Tex., Jan. 26, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 136, a bill to be entitled "An Act to amend Articles 3380 and 5060g of the Revised Statutes of Texas of 1895, regulating bonds of liquor dealers,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

Committee Room,

Austin, Tex., Jan. 25, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 133 a bill to be entitled "An Act to amend Chapter 11, Title XCIV, Article 4548 of the Revised Statutes of 1895, relating to the collection of debts from railroad corporations,"

Have had the same under consideration, and I am instruction to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

SIXTEENTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, Jan. 31, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.

Hale.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Davidson.	Hanger.
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Absent—Excused.

Holland.	Meachum.
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Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Skinner the same was dispensed with.

PETITIONS AND MEMORIALS.

Senator Griggs offered the following petition, and requested it published in the Journal:

Petition.

To the Hon. Geo. B. Griggs, Representing the Sixteenth Senatorial District, Austin, Tex.

Dear Sir: Your petitioner would respectfully submit that:

Whereas, a bill has been introduced in the Texas Legislature, the object of which is to prohibit the issuance of railroad passes to any except bona fide employes of such roads; and,

Whereas, should this bill be passed and become a law, hundreds and even thousands of land and immigration agents now working in co-operation with the railroads for the development of the State of Texas would be barred; and,

Whereas, these same agents are now located throughout the United States and foreign countries, doing a laudable work in inducing the investment of foreign capital and desirable settlers to locate in Texas and assist in its development; and,

Whereas, it is generally recognized by every good citizen that additional, as well as industrial workers, are needed to develop the inexhaustible resources of our State, that she may in all respects stand without a peer in wealth and population, as she has always been in point of domain; and,

Whereas, these results are now being more satisfactorily reached by the aid of immigration and industrial agents than any other known way, and were the bill so to become a law these factors would be lost to the State; therefore we, the undersigned, respectfully ask that every just and honorable means be used to defeat the measure, which aims a direct blow to

the future development and prosperity of our State. We, the petitioners, further pray that the Honorable Geo. B. Griggs will use his recognized influence as a lawmaker and legislator to defeat this bill, for the reasons as set forth above.

H. L. McWilliams, Houston, Tex.; Harral & Harral, real estate, Houston, Tex.; Bettive-Bryan, real estate, Houston, Tex.; Louis Bryan, real estate, Houston, Tex.; A. L. Comb, real estate, Houston, Tex.; International Land and Investment company, real estate, Houston, Tex.; Charles & Cooper, real estate, Houston, Tex.; C. S. Benson, real estate, Houston, Tex.; A. C. Swanson, real estate, Houston, Tex.; N. S. Schmitz, real estate, Houston, Tex.; A. H. Dobb, real estate, Houston, Tex.; Geo. P. Brown; B. F. Bonner; J. M. Abbott, land agent, Seguin, Tex.; U. A. Baker, real estate, Houston, Tex.; E. A. Baker, real estate, Houston, Tex.; Robert E. C. Wilson, land immigration agent; N. L. Mills, real estate; R. M. Cash, real estate; W. B. Franklin, real estate; L. C. Lucker, real estate; Earl Warren, real estate; W. C. Moore & Co., real estate; J. N. Groebbeck, real estate; W. C. Moore, real estate; C. W. Hahl & Co., real estate; American Land and Development company; Geo. A. Hill; W. A. Gardner, secretary Galveston Business League; H. C. Hueck, real estate, Galveston; Laburthe & Darrah, real estate, Galveston; J. J. Laburthe; L. L. Creten; C. H. Hughes; John Adriance & Sons, real estate, Galveston; John Adriance, real estate, Galveston; Sam Boyd, real estate, Galveston; Julius F. Schmidt, real estate, Galveston; Wm. C. Ogilvy, real estate, Galveston; H. M. Trubart & Co., real estate, Galveston; C. D. Adriance, real estate, Galveston; S. T. DeMilt, agent Mallory Line; W. J. Young, agent Mallory Line; J. H. Langbehn, Japanese consul; Langbehn Bros., steamship agents; Julius Runge, president Cotton Exchange; Kaufman & Runge, merchants; C. L. Reading, real estate; A. B. Wood, real estate; the Galveston Chamber of Commerce, R. Waverly Smith, president; R. Waverly Smith, president First National Bank; the First National Bank of Galveston; D. B. Henderson, county commissioner Galveston county; W. A. Ward, immigration agent, Beaumont, Tex.; George J. McManus, immigration agent, Beaumont, Tex.; the Beaumont Chamber of Commerce, D. Woodward, secretary.

Senator Hill offered the following memorial and requested it to be published in the Journal:

Mason, Texas, Jan. 26, 1905.
Hon. J. W. Hill, Senate Chamber,
Austin, Texas.

We, the undersigned, favor the bill now pending in the Legislature increasing the salary of District Judges from \$2500 to \$3500, and respectfully request that you support the measure.

D. H. MEEK, Attorney-at-Law.
J. H. JONES, County Judge.
BEN HEY, County Clerk.
H. B. GIBBS, Sheriff.

BILLS AND RESOLUTIONS.

(BILLS)

By Senator Harper:

Senate bill No. 143, a bill to be entitled "An Act to amend Articles 4308, 4309, 4310, 4311, 4312, 4314, 4315, 4316, Title XC, Revised Civil Statutes of the State of Texas, relating to public weighers for justice precincts, where so desired by the public weighers, and regulating the bonds of all public weighers, and prohibiting others from weighing cotton where the office of public weigher has been created, and providing for an election to abolish the public weigher's office in counties where it is not wanted, and repeal all laws and parts of laws in conflict with this Act.

Read first time and referred to Judiciary Committee No. 1.

By Senators Decker and Paulus:

Senate bill No. 144, a bill to be entitled "An Act to amend Articles 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771, 3772, 3773, 3775 and 3776, Title LXXXI, of the revised Civil Statutes of the State of Texas, and to add thereto Articles 3776a, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas.

Read first time and referred to Committee on Public Health.

By Senator Hawkins:

Senate bill No. 145, a bill to be entitled "An Act to abolish the unorganized county of Loving and to incorporate the territory heretofore embraced in Loving county into the county of Ward, to provide for the payments of the debts of said Loving county, to transfer the funds of said county to the treasurer of Ward county, to transfer all bonds, records and other property of Loving county in the custody of the officers of Reeves county, to the proper officers of Ward county, to provide for the recovery of the four leagues of land patented by the State to Loving county or for the recovery by the State of the proceeds of said land, for the repeal of all laws and parts of laws in conflict herewith, and to declare an emergency.

Read first time and referred to Committee on County and County Boundaries.

By Senator Hicks:

Senate bill No. 146, a bill to be entitled "An Act to amend Article 2462, Title XLV, Chapter 3, of the Revised Statutes of 1895."

Read first time and referred to Judiciary Committee No. 1.

By Senator Decker:

Senate bill No. 147, a bill to be entitled "An Act to regulate appeals in the courts of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Paulus:

Senate bill No. 148, a bill to be entitled "An Act prescribing the form of railroad passage tickets issued by the railroads of this State, and providing penalties and remedies for its violation."

Read first time and referred to Judiciary Committee No. 2.

By Senator Hale:

Senate bill No. 149, a bill to be entitled "An Act to permit a defendant convicted of a felony to enter into a recognizance or bail bond, pending his appeal, and prescribing the requisites of a recognizance or bail bond sufficient to confer jurisdiction upon the Court of Criminal Appeals, of such appeals, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hicks:

Senate bill No. 150, a bill to be entitled "An Act to amend Section 7, Chapter 42, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to provide for and regulate the granting of license to practice as attorney and counselor at law in all the courts of the States of Texas, and to repeal all laws and parts of laws in conflict therewith,' approved March 19, 1903."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Griggs, Hale, Beaty and Terrell:

Senate bill No. 151, a bill to be entitled "An Act to create, establish and maintain a State home and hospital for the care, treatment and support of the aged, disabled and indigent colored ex-slaves of the State, and to make an appropriation therefor."

Read first time and referred to Committee on State Affairs.

By Senators Griggs, Martin, Paulus and Decker:

Senate bill No. 152, a bill to be entitled "An Act authorizing, under certain conditions, the county commissioners

court to provide private roadways, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Glasscock:

Senate bill No. 153, a bill to be entitled "An Act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts of the State of Texas, and fix the time for holding court therein as passed by the Twenty-seventh Legislature, Chapter 64, page 133, and to repeal all laws and parts of laws in conflict therewith."

Read first time, and referred to Committee on Judicial Districts.

By Senator Grinnan:

Senate bill No. 154, a bill to be entitled "An Act to exempt the counties of Uvalde, Zavala, Runnels and Taylor from the provisions and operation of Articles 5002 to 5042, both inclusive, of Chapter 6, Title CII, of the Revised Civil Statutes of 1895, as amended by the Acts of the Twenty-eighth Legislature, relating to the inspection of hides and animals."

Read first time, and referred to Committee on Stock and Stock Raising.

By Senator Hicks:

Senate bill No. 155, a bill to be entitled "An Act to prohibit any county or district officer in this State from becoming surety on the bond or recognizance of any person charged with any offense against the criminal laws of the State, and fixing a penalty therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

Morning call concluded.

BILL SIGNED.

The Chair (Lieutenant-Governor Neal) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read.

House bill No. 43, a bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Hutchinson county, to conform to the jurisdiction of the district court thereof, and to repeal all laws in conflict herewith."

SENATE BILL NO. 44—VOTE RE-CONSIDERED.

Senator Harper moved that the vote by which Senate bill No. 44 (the cold storage bill) was recommitted be reconsidered.

The yeas and nays were called for, and the motion prevailed by the following vote:

Yeas—17.

Barrett.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Faulk.	McKamy.
Glasscock.	Paulus.
Grinnan.	Smith.
Harbison.	Stokes.
Harper.	Terrell.
Hawkins.	

Nays—10.

Beaty.	Hicks.
Decker.	Skinner.
Faust.	Stafford.
Griggs.	Stone.
Hale.	Willacy.

Absent.

Davidson.	Hanger.
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Absent—Excused.

Holland.	Meachum.
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The Chair here laid the bill before the Senate, and

Senator Willacy made a point of order that the special orders on the President's desk had precedence over this bill. The point of order was well taken, and the bill was withdrawn by the Chair.

SENATE BILL NO. 9—PASSAGE OF.

The Chair laid before the Senate, on second reading, special order.

Senate bill No. 9, a bill to be entitled "An Act to amend Title LXII, Chapters 4 and 5, of the Revised Civil Statutes of the State of Texas, relating to the proceedings of jury commissioners in the selection of jurors; providing for enlarging and extending the duties of the said commissioners; limiting the number of times which any citizen may be compelled to answer summons to a special venire facias; determining the manner in which notice shall be given, etc.; also amending Title VIII, Chapter 2, of the Code of Criminal Procedure of the State of Texas, so as to conform to the provisions of this act."

The bill was read second time and ordered engrossed.

SENATE BILL NO. 132—PASSAGE OF.

On motion of Senator Faulk, the special order of business (Senate bill

No. 11) was suspended, and the Senate took up, out of its order, on second reading, Senate bill No. 132.

The Chair laid before the Senate on second reading,

Senate bill No. 132, a bill to be entitled "An Act to create a more efficient road system for Henderson county, Texas."

Bill read second time and ordered engrossed.

On motion of Senator Faulk the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Davidson.	Stokes.
Hanger.	

Absent—Excused.

Holland.	Meachum.
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The bill was read third time and passed by the following vote:

Yeas—27.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Davidson.	Hanger.
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Absent—Excused.

Holland.	Meachum.
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Senator Faulk moved to reconsider the vote by which the bill was passed, and lay that motion on the table.
The motion to table prevailed.

HOUSE BILL NO. 187.—PAS- SAGE OF.

On motion of Senator Skinner the special order of business (Senate bill No. 11) was suspended, and the Senate took up, out of its order, House bill No. 187.

Senator Skinner moved that the Senate rule requiring committee reports to lay over for one day be suspended.

The motion prevailed by the following vote:

Yeas—25.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Hanger.
Davidson.	McKamy.

Absent—Excused.

Holland.	Meachum.
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On motion of Senator Skinner, the committee report was adopted.

The Chair laid before the Senate on second reading,

House bill No. 187, a bill to be entitled "An Act to create a more efficient road system for Johnson county, Texas."

Bill read second time and passed to a third reading.

On motion of Senator Skinner the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.

Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Davidson.	Hanger.
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Absent—Excused.

Holland.	Meachum.
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The bill was read third time and passed by the following vote:

Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent..

Davidson.	Hanger.
Hale.	Stokes.

Absent—Excused.

Holland.	Meachum.
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Senator Skinner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.
(Senator Stafford in the chair.)

SENATE BILL NO. 11.—PASSAGE OF.

The Chair here laid before the Senate on its second reading and as special order,

Senate bill No. 11, a bill to be entitled "An Act to confer authority on the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect."

Senator Faulk offered the following amendment:

Sec. 6. There being many worthy and meritorious convicts in the penitentiary who are entitled to the benefits of this bill, therefore an emergency

exists and imperative public necessity is thereby created, requiring the suspension of the constitutional rule requiring bills to be read on three several days and that such is therefore suspended and that this act take effect from and after its passage.

The amendment was adopted.

Senator Smith offered the following amendment,

Amend line 32, pages 2 and 3, by striking out all after the word "law."

EXECUTIVE SESSION.

The Chair here announced that the time had arrived for the Senate to sit in executive session to act on the appointment sent in by the Governor on Friday. The Sergeant-at-Arms was ordered to clear the Senate Chamber of all visitors.

In executive session the following confirmation was had:

Wm. C. Walsh of Travis county as a member of the Board of Managers of the Confederate Home.

IN THE SENATE.

Action recurring on Senate bill No. 11, pending business.

Senator Smith withdrew his pending amendment and offered the following amendment:

Amend the bill by striking out Section 5 thereof.

The amendment was lost by the following vote:

Yeas—11.

Barrett.	Looney.
Chambers.	Smith.
Griggs.	Stafford.
Hale.	Terrell.
Harbison.	Willacy.
Harper.	

Nays—14.

Beaty.	Hicks.
Brachfield.	Hill.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Stokes.
Hawkins.	Stone.

Absent.

Davidson.	Hanger.
Grinnan.	Paulus.

Absent—Excused.

Holland.	Meachum.
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Senator Looney offered the following amendment:

Amend by striking out in lines 28 and 29, page 2, the following language, "For murder in the first degree, murder in the second degree," and by striking out in line 32, page 2, and line 1, page 3, all after the word "law."

The amendment was lost by the following vote:

Yeas—6.

Chambers.	Smith.
Harper.	Stafford.
Looney.	Terrell.

Nays—20.

Barrett.	Hawkins.
Brachfield.	Hicks.
Decker.	Hill.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Hale.	Stone.
Harbison.	Willacy.

Absent.

Beaty.	Hanger.
Davidson.	

Absent—Excused.

Holland.	Meachum.
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Senator Faulk offered the following amendment:

Amend by adding after the word "rape," line 1, page 3, the following: "And assault with intent to rape."

The amendment was adopted.

Senator Looney offered the following amendment:

Amend Section 5, as amended, by adding in line 1, page 3, the words, "or robbery."

The amendment was lost.

Bill read second time and ordered engrossed. On motion of Senator Faulk the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	McKamy.
Decker.	Paulus.
Faulk.	Skinner.
Faust.	Smith.
Glasscock.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Harbison.	Willacy.
Harper.	

Nays—2.

Hawkins, Martin.

Absent.

Davidson, Hanger.

Absent—Excused.

Holland, Meachum.

The bill was read third time, and passed by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Nay—1.

Hawkins.

Absent.

Davidson, Hanger.

Absent—Excused.

Holland, Meachum.

Senator Faulk moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Tex., Jan. 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 47, a bill to be entitled "An Act to amend Article 338, Title IX, Chapter 4, of the Penal Code of the State of Texas, as amended by the Acts of the Twenty-fifth Legislature, page 24, relating to carrying arms," amending the law so as to include any knife the blade of which exceeds four inches in length, and increasing the punishment by making it a fine of not less than one hundred dollars nor more than two hundred dollars, and by confinement in the

county jail not less than thirty days nor more than twelve months, with engrossed rider.

House bill No. 20, a bill to be entitled "An Act to amend Article 3744 of the Revised Civil Statutes of the State of Texas, 1895, so as to provide that a person convicted of a felony and his punishment assessed at a pecuniary fine, may discharge the same in like manner as a person convicted of a misdemeanor or petty offense." With engrossed rider.

House bill No. 104, a bill to be entitled "An Act making it an offense to be the proprietor, manager or in any way to have control of and run a public gaming house, and fixing a penalty therefor."

House bill No. 190, a bill to be entitled "An Act to authorize and require the Attorney General to bring suits for the value of timber destroyed, used and otherwise appropriated by persons and corporations on public free school, university, asylum and other public lands of the State; to fix the venue of said suits; to require the Commissioner of the General Land Office and County Attorney to report to the Attorney General, and to fix compensation of said officers for said services."

Respectfully, BOB BARKER,
Chief Clerk, House of Representatives.

SENATE BILL NO. 67—ENGROSSMENT OF.

Senator Griggs moved that the Senate suspend the special order, Senate bill No. 30, and take up, out of its order, Senate bill No. 67. Yeas and nays being called for, the motion prevailed by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Hill.
Chambers.	Looney.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stone.
Hale.	Terrell.
Harper.	Willacy.
Hawkins.	

Nays—3.

Brachfield.	Martin.
Harbison.	

Absent.

Davidson.	Stokes.
Hanger.	

Absent—Excused.

Holland.

Meachum.

The Chair then laid before the Senate, on its second reading.

Senate bill No. 67, a bill to be entitled "An Act to authorize the creation of drainage districts within the several counties, and to make drainage improvements therein under the direction of the county commissioners court, and to issue bonds in payment therefor as authorized under the Constitution and provisions of this act, and declaring an emergency."

The bill was read second time and ordered engrossed.

BILLS READ AND REFERRED.

The Chair (Senator Stafford) had read and referred, after their captions had been read, the following House bills:

House bill No. 190, Public Lands and Land Office.

House bill No. 47, Judiciary Committee No. 2.

House bill No. 20, Committee on Penitentiaries.

House bill No. 104, Judiciary Committee No. 2.

(See first House message for captions.)

SENATE BILL NO. 30—ENGROSSMENT OF.

The Chair laid before the Senate, special order.

Senate bill No. 30, a bill to be entitled "An Act to amend the Revised Statutes of the State of Texas by adding thereto Article 1024a."

Senator Stone offered the following amendment:

An amendment to Senate bill No. 30, to the caption and enacting clause to said bill, which shall hereafter read as follows:

"A bill to be entitled An Act to amend Chapter 17, Title XXVII, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1024a."

"Be it enacted by the Legislature of the State of Texas:

"That Chapter 17, Title XXVII, of the Revised Civil Statutes of the State of Texas, as adopted in 1895, be and the same are hereby amended by adding thereto Article 1024a, to wit:"

The amendment was adopted.

The bill was read second time and ordered engrossed.

SENATE BILL NO. 37—ENGROSSMENT OF.

The Chair laid before the Senate, on its second reading, as special order.

Senate bill No. 37, a bill to be entitled "An Act to amend Title XXX, Chapter 17, Article 1371, Revised Civil Statutes of Texas, providing for hearing certain evidence on motions for new trials, and prescribing when new trials thereon should be granted and also in regard to contempt proceedings."

Senator Brachfield offered the following amendment:

Amend by striking out all after the word "court," in line 21.

Senator Smith offered the following substitute for the amendment:

Substitute for amendment: "Amend lines 24 and 25 by striking out all after the word 'granted,' in line 24."

The substitute for the amendment was adopted, and

The amendment as substituted was then adopted.

The bill was read second time and ordered engrossed.

SENATE BILL NO. 64—PASSAGE OF.

Senator Terrell moved that the special order of business (Senate bill No. 43) be suspended and the Senate take up, out of its order, Senate bill No. 64.

The motion prevailed by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Davidson.	Harbison.
Hanger.	

Absent—Excused.

Holland.	Meachum.
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The Chair laid before the Senate, on its second reading:

Senate bill No. 64, a bill to be entitled "An Act to amend Article 790 of Title VII, Chapter 7, of the Code of

Criminal Procedure of 1895, relating to confessions."

Senators Terrell and Chambers offered the following substitute for the bill:

Substitute Senate bill No. 64, a bill to be entitled "An Act to amend Article 790 of the Code of Criminal Procedure, Title VIII, Chapter 7, relating to confession of defendants, so as to hereafter read as follows:

Be it enacted by the Legislature of the State of Texas:

That Article 790 of the Code of Criminal Procedure, Title VIII, Chapter 7, be and the same is hereby amended so as to read hereafter as follows:

Art. 790. The confession shall not be used if at the time it was made the defendant was in jail or other place of confinement, nor while he was in the custody of an officer, unless such confession be made in the voluntary statement of the accused, taken before an examining court, in accordance with law, and after he has been warned by the court that said confession may be used against him and not for him, and said warning must be in writing, signed by the court and filed among the papers in said cause; or unless in connection with said confession he make statement of facts or of circumstances that are found to be true, which conduce to establish his guilt, such as the finding of secreted or stolen property or instrument with which he states the offense was committed.

The substitute bill was adopted.

Senator Hawkins moved that further consideration of the bill be postponed till Thursday morning, and that the bill be printed in the Journal.

On motion of Senator Hale, Senator Hawkins' motion was tabled.

Senator Faulk offered the following amendment:

Amend by adding Section 2.

Sec. 2. The fact that the present law on the subject of confessions in many trials in criminal cases are greatly abused and defendants are denied a fair trial, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and that it is so enacted.

The amendment was adopted.

Bill read second time and ordered engrossed.

Senator Faulk moved the constitutional rule requiring bills to be read on three several days be suspended and

the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—17.

Barrett.	Harper.
Beaty.	Hill.
Brachfield.	Martin.
Chambers.	Paulus.
Decker.	Smith.
Faulk.	Stafford.
Faust.	Terrell.
Griggs.	Willacy.
Hale.	

Nays—9.

Glasscock.	McKamy.
Grinnan.	Skinner.
Hawkins.	Stokes.
Hicks.	Stone.
Looney.	

Absent.

Davidson.	Harbison.
Hanger.	

Absent—Excused.

Holland.	Meachum.
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ADJOURNMENT.

On motion of Senator Skinner, the Senate, at 1 o'clock p. m., adjourned until tomorrow at 10 o'clock a. m.

APPENDIX A.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Jan. 27, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 66, "A bill to be entitled an act to amend Section 53, of Article 642, Chapter 2, Title XXI of the Revised Statutes of Texas and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying Committee Substitute bill do pass.

HICKS, Chairman.

By Committee:

Committee Substitute bill No. 66, a bill to be entitled "An Act to amend

Section 53, Article 642, Chapter 2, Title XXI of the Revised Statutes of Texas." Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 53 of Article 642, Chapter 2, Title XXI, of the Revised Statutes be so amended, as to hereafter read as follows:

Section 53. The construction, maintenance and operation of terminal railway companies, and said terminal companies in addition to the rights conferred by law upon corporations generally, shall have and exercise all the rights and powers conferred upon railroad companies by Chapters 8 and 9 of Title XCIV of the Revised Statutes of Texas relating to railroads; but no such terminal company shall have the right to charge any railroad for terminal facilities beyond what may be prescribed by the Railroad Commission, and no such terminal company shall have any one of its tracks more than twenty miles in length.

Sec. 2. The fact that there is now no law conferring sufficient powers upon terminal railway companies to authorize them to acquire proper trackage to meet public demands, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read upon three several days before final passage be suspended, and the rule is hereby suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Jan. 27, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred Senate bill No. 81, a bill to be entitled "An Act to create and establish the Texas Library Commission, and making an appropriation therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

GRINNAN, Chairman.

Committee Room,

Austin, Texas, January 27, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 141, a bill to be entitled "An Act authorizing the Superintendent of Public Instruction to issue certificates to persons holding diplomas issued to them by colleges, universities and institutions of learning in Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GRINNAN, Chairman.

Committee Room,

Austin, Texas, January 27, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 6, a bill to be entitled "An Act to provide a mode of assessing and keeping separate taxes paid for public free school purposes, by the whites and the negroes, and to apply the amounts paid by the whites for the benefit of the white schools and the amounts paid by the negroes for the benefit of the negro schools,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

GRINNAN, Chairman.

Committee Room,

Austin, Texas, January 27, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 98, a bill to be entitled "An Act to permit the issuance of life certificates to public school teachers,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GRINNAN, Chairman.

Committee Room,

● Austin, Texas, January 31, 1905.

(Floor Report.)

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 187, a bill to be entitled "An Act to create a more efficient road system for Johnson county,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

SPECIAL COMMITTEE REPORT.

Austin, Texas, January 27, 1905.

To Hon. W. A. Hanger, President Pro Tem. of the Senate, and

Hon. F. W. Seabury, Speaker of the House.

We, your Joint Committee, appointed by virtue of House Concurrent Resolution No. 5, to correct certain inaccuracies discovered in the tabulated statement of the votes cast for Governor and Lieutenant Governor at the general election held on November 8, 1904, beg leave to report: That the inaccuracies have been corrected and there is attached hereto and made a part of this report a tabulated state-

ment showing the votes cast in each county in this State for the several candidates for Governor and Lieutenant Governor.

Respectfully submitted,

LOONEY,
GLASSCOCK,
HAWKINS,

On the part of the Senate.

KUBENA,
CANALES,

BRYAN of Harris,

On the part of the House.

RETURNS OF AN ELECTION HELD NOVEMBER 8, 1904.

For Governor and Lieutenant-Governor.

Counties.	For Governor.						For Lieutenant-Governor.			
	S. W. T. Lanham.	J. G. Lowden.	Pat. B. Clark.	W. D. Jackson.	Frank Leitner.	W. H. Mills.	Geo. D. Neal.	Sam Davidson.	Clarence Noyent.	J. W. Pearson.
Anderson	1729	894	23	27	1	19	1729	893	36	27
Andrews										
Angelina	979	211	38	17	1	1	971	217	38	16
Aransas	156	46	9	1			154	46	10	1
Archer	326	70	9	20			315	71	9	20
Armstrong	223	17	8	19			221	16	13	19
Atascosa	709	101	38	14	2	4	709	102	38	14
Austin	1512	622		4		15	1510	624		4
Bailey										
Bandera	541	125	20	8	1	18	540	126	20	8
Bastrop	1061	44	8	6			1062	43	8	6
Baylor	449	31	5	24		4	448	31	5	24
Bee	660	147	5	11		9	660	148	5	11
Bell	2534	284	108	28	1	12	2538	284	108	28
Bexar	3735	1362	12	25	43	90	3727	1395	11	25
Blanco	595	207	20	14	1	19	596	208	20	15
Borden	188	5	12	9		3	187	5	14	9
Bosque	1116	343	51	34	1	3	1114	346	52	35
Bowie	1555	1008	48	36		8	1569	1009	48	36
Brazoria	487	275	9	61		1	426	335	10	62
Brazos	1113	178	9	11		1	1040	246	10	14
Brewster	253	63				2	251	63		1
Briscoe	250	10	1	6		4	49	10	1	6
Brown	1320	256		17		15	1320	256	59	17
Burleson	919	450	5	6	2	8	918	451	6	6
Burnet	962	127	122	40		11	961	122	125	40
Caldwell	1092	110	24	24		12	1085	110	23	25
Calhoun	313	85	3	4		2	312	86	4	4
Callahan	575	108	67	17		1	574	104	67	18
Cameron	1080	74				2	1080	74		
Camp	547	300	16	2		3	573	301	17	2
Carson	137	18	5	11			135	18	5	11
Cass	1180	919	126	38	3	2	1181	917	126	37
Castro	178	14				2	178	14	4	

Chambers	284	124		6			264	123		1
Cherokee	1605	423	354	24	6	6	1607	430	354	23
Childress	395	30	8	15	1	5	359	62	7	15
Clay	606	118		87		21	605	118	15	85
Cochran										
Coke	399	54	159	8	1	3	399	56	169	8
Coleman	796	60	26	8	1	5	795	60	26	8
Collin	3447	947	77	88	1	37	3448	950	78	87
Collingsworth	253	13	15	6		7	252	13	15	6
Colorado	1108	341	36	7	2	13	1114	344	35	5
Comal	883	238	3	2	1	4	877	243	3	2
Comanche	1638	274	1108	39	2	7	1640	272	1105	39
Concho	286	56	34	6			284	58	34	6
Cooke	1964	411	18	12	8	38	1964	411	1	12
Coryell	1273	168	72	12	3	17	1271	171	72	11
Cottle	195	13	1	1	1	1	135	13	1	1
Crane										
Crockett	142	60		4	1		142	60		5
Crosby	157	7	16	3		2	158	7	16	3
Dallam	170	33		3	3	28	169	33	5	3
Dallas	5989	1243	47	137	14	86	6043	1219	50	135
Dawson										
Deaf Smith	298	28	1	11			298	28	1	11
Delta	977	167	201	21		16	986	167	200	21
Denton	2429	528	17	41	2	6	2424	531	14	43
De Witt	1450	776	17	25	3	11	1453	779	17	25
Dickens	198	20	20	7	1		198	20	20	7
Dimmit	135	79	13	4	12		138	78	13	4
Donley	393		19	57	1	12			19	57
Duval	462	673					462	674		
Eastland	1599	212	555	37	4	30	1605	214	554	37
Ector	165	5	1	4			164	6		5
Edwards	253	170	5	4	4	23	253	171	5	4
Ellis	3598	376	43	66	6	14	3593	377	40	68
El Paso	1772	732	11	10	3	29	1784	723	6	11
Erath	1784	379	177	105	7	46	1779	381	185	103
Falls	1683	460	11	15	2	10	1899	459	10	11
Fannin	3234	785		1		105	3229	789		1
Fayette	2781	1235	56	11	2	11	2781	1237	56	11
Fisher	411	42	115	36		1	408	40	117	37
Floyd	326	49	34	31		7	327	50	38	30
Foard	262	22	23	5	2	8	262	23	27	37
Fort Bend	1237	16	11	10	1	1	551	790	11	10
Franklin	626	78	22	18	1	1	626	78	23	18
Freestone	948	355	36	5	2		947	347	38	9
Frio	457	146	21	9		9	452	149	22	4
Gaines										
Galveston	2174	592	3	34	3	29	2157	602	3	33
Garza										
Gillespie	328	978	4	4		4	313	992	4	4

RETURNS OF AN ELECTION HELD NOVEMBER 8, 1904.

For Governor and Lieutenant-Governor—continued.

Counties.	For Governor.						For Lieutenant-Governor.			
	S. W. T. Lanham.	J. G. Lowden.	Pat. B. Clark.	W. D. Jackson.	Frank Leitner.	W. H. Mills.	Geo. D. Neal.	Sam Davidson.	Clarence Nugent.	J. W. Pearson.
Glasscock	99	15	13			4	99	12	13	
Goliad	599	435	28	7	2	10	595	435	29	7
Gonzales	1525	588	58	17	11	11	1524	606	61	17
Gray	138	12	6	6	1	6	137	13	6	6
Grayson	3557	1095	39	69	8	164	3559	1126	40	69
Gregg	600	419	20	24	3	4	603	420	21	24
Grimes	922	117	32	7	1	3	915	115	32	7
Guadalupe	1105	1447	6	7	1	2	1100	1455	5	7
Hale	384	31	20	19			384	31	20	19
Hall	172	13	1	8			174	13	2	8
Hamilton	1047	359	136	26		2	1067	362	133	27
Hansford	100	10					99	11		
Hardeman	529	45	10	17		5	530	39	10	18
Hardin	786	236	10	27			773	245	11	27
Harris	4269						4279			
Harrison	707	173	3	8			708	173	3	
Hartley	183	23	3	7		3	182	24	3	7
Haskell	597	65	59	7		3	597	66	59	7
Hays	1167	195	16	29		7	1160	202	18	27
Hemphill	143	41	1	8			144	41		8
Henderson	1400	390	78	15	3	9	1394	390	78	15
Hidalgo	475	37					475	37		
Hill	2875	348	137	40	1	2	2776	350	140	39
Hockley										
Hood	574	95	55	17			575	94	56	27
Hopkins	1778	253	30	86	4	17	1776	253	30	85
Houston	1259	439	45	13		3	1244	439	46	12
Howard	370	21	12	4		26	370	21	13	4
Hunt	3520	591	67	89	4	61	3524	593	69	84
Hutchinson	130	7	2	1		2	129	6	3	
Irion	172	26	10	5	1	3	173	31	10	5
Jack										
Jackson	265	160	26	3		2	318	160	25	3
Jasper	618	308	34	24	2	3	599	314	36	25

Jeff Davis	119	61		2			116	63		2
Jefferson	1649	853	8	72	16	42	1646	781	8	69
Johnson	2227	294	139	40	15	151	2228	303	144	39
Jones	732	76	44	18	1	22	733	73	47	19
Karnes	1005	145	31	28	1	1	1010	141	31	28
Kaufman	2279	318	66	22	2	23	2283	318	79	22
Kendall	153	534		1	5	8	148	537	2	
Kent	188	8	7	4			184	8	7	4
Kerr	580	228	7	4	3	22	579	231	5	4
Kimble	351	124	10	32		2	351	122	19	32
King	102						102			
Kinney	219	200		2	1	1	218	192		2
Knox	447	70	22	6	1	2	445	69	22	6
Lamar	2562	739	99	41	7	29	2564	752	98	43
Lamb										
Lampasas	751	202	88	126	5	12	749	196	54	127
La Salle	300	79	4	4			300	79	4	4
Lavaca	1819	517	57	19	1	38	1819	522	57	19
Lee	982	392	4	3			981	393	4	3
Leon	1117	336	30	4	2	14	1016	375	37	4
Liberty	685	310	11	11	2	2	676	310	11	11
Limestone	1654	197	52	25	2	35	1651	197	51	28
Lipscomb	116	46					116	46		
Live Oak	279	29	25	4			279	30	25	
Llano	849	118	63	38			845	124	66	37
Loving										
Lubbock	244	13	5	4	2	2	243	13	5	4
Lynn	131	8	13	17	1	3	131	8	13	17
Madison	541	178	40	6		5	540	178	40	6
Marion	274	482	10	6			274	484	10	6
Martin	170	24	1	2			173	23	1	2
Mason	603	236	20	22	3	1	606	237	21	23
Matagorda	338	83	3	17	3	1	336	80	3	20
Maverick	295	205	1	1		4	294	206	1	1
McCulloch	604	104	26	10	5	4	624	105	25	11
McLennan	3727	640	23	103	3	53	3732	637	24	95
McMullen	87	27	2				87	27	2	
Medina	595	438	2	14		4	597	438	2	14
Menard	357	57	18	14		1	356	57	16	14
Midland	134	18		1			135	18	1	1
Milam	2120	353	151	17		17	2113	372	201	17
Mills	463	118	45	18	3	13	460	118	40	18
Mitchell	471	71	9	29		1	470	71	8	29
Montague	1623	218	28	59	4	27	1627	217	27	59
Montgomery	865	380	23	3	1	7	841	428	26	3
Moore	99	2				1	99	2		
Morris	509	233	36	15			572	232	36	15
Motley	240	10		14			229	10	14	5
Nacogdoches	1593	220	874	19	1	3	1592	219	874	19
Navarro	2406	398	75	40	2	23	2471	410	64	40

RETURNS OF AN ELECTION HELD NOVEMBER 8, 1904.

For Governor and Lieutenant-Governor—continued.

Counties.	For Governor.						For Lieutenant-Governor.			
	S. W. T. Lanham.	J. G. Lowden.	Pat. B. Clark.	W. D. Jackson.	Frank Leitner.	W. H. Mills.	Geo. D. Neal.	Sam Davidson.	Clarence Nugent.	J. W. Pearson.
Newton	470	317	10	71	3	2	469	317	8	73
Nolan	531	79	46	12	1	2	531	78	47	12
Nueces	581	144	6	7		26	578	145	6	3
Ochiltree	81	18	1	39			82	18	1	3
Oldham	63	13		1			63	13		
Orange	607	196		6	3	14	608	196		
Palo Pinto	974	151	64	64	12	33	1071	153	65	6
Panola	1182	339	45	8		1	1181	338	45	0
Parker	1826	478	142	74	4	60	1814	494	145	70
Parmer										
Pecos	228	68				2	232	65		
Polk	520	152	37	8		1	520	152	39	
Potter	579	81	3	12	4	16	575	83	3	
Presidio	278	96					123	251		
Rains	495	137	12	5	4	163	494	147	12	
Randall	291	34	4	15			291	32	2	13
Reagan	73	3					73	3		
Red River	1587	614	109	28	4	2	1599	629	86	13
Reeves	320	20		1			321	19		
Refugio	148	87	2	1			148	86	2	
Roberts	100	19	7	12	1		100	19	7	1
Robertson	1448	100	12	6		1	1171	178	12	
Rockwall	641	48	16	28		10	640	47	17	2
Runnels	800	63	17	18	19	4	799	64	19	1
Rusk	1972	1113	85	3	1		1973	1113	85	
Sabine	652	223	48	40	1	5	651	223	48	4
San Augustine	423	155	23	7	1		413	158	1	
San Jacinto	470	542	7	7	4		470	542	7	
San Patricio	185	35		3			184	36		
San Saba	878	131	42	26	2	2	873	137	66	2
Schleicher	214	23	8			1	214	24	1	
Scurry	462	107	216	35	1	15	456	111	220	35
Shackelford	162	23	5	1			164		5	
Shelby	1634	186		19	3	7	1634	186	42	19

Sherman	112	24	1	7	5	112	24	1	7	
Smith	2409	1183	58	82	12	2435	1201	57	81	
Somervell	377	38	84	8	1	370	40	85	8	
Starr	905	323				906	322			
Stephens	385	13	20	8	26	384	13	19	9	
Sterling	131	14	19	4	1	131	14	19		
Stonewall	333	25	10	4	1	328	21	11	4	
Sutton	239	27	2	1		240	27	2	1	
Swisher	230	17	5	9		227	18	6	9	
Tarrant	4060	766	109	129	31	4038	794	111	131	
Taylor	1038	161	75	26	2	1072	112	88	25	
Terry	124	6	3	4		124	6	3	4	
Throckmorton	141	20	24	14	1	127	20	24	12	
Titus	734	129		5	2	736	140	58	5	
Tom Green	740	122	7	17	1	743	123	10	14	
Travis	2523	670		34	7	2520	697	13	33	
Trinity	608	169	35	3		608	128	35	3	
Tyler	660	110	19	13	5	615	84	19	13	
Upshur	816	336	37	21	15	345	40	27		
Upton										
Uvalde	454	70	2	1	5	454	73	2	1	
Val Verde	471	118	1	4	2	469	120	1	4	
Van Zandt	1555	238	36	29	11	1555	236	39	29	
Victoria	861	351	3	5	1	855	351	3	5	
Walker	710	593	20	3		712	587	20	3	
Waller	807	529	45	8	5	803	531	48	8	
Ward	158	20		19	1	158	21		19	
Washington	1336	622	3	5	2	1292	664	3	5	
Webb	526	1004				525	1006		2	
Wharton	607	463	3	24	4	609	462	4	23	
Wheeler	200	9	8	5	2	200	9	7	4	
Wichita	561	113	5	16	3	625	84	15	33	
Wilbarger	410	52	9	25	2	401	53	9	26	
Williamson	2403	559	139	90	2	2395	566	137	90	
Wilson	993	272	75	10	1	989	273	77	10	
Winkler										
Wise	1664	339	96	97	1	1666	342	96	95	
Wood	1341	441	35	33	1	1348	442	35	34	
Yoakum										
Young	903	87	53	43	1	904	89	48	49	
Zapata	52	257				35				
Zavala	152	6	2	1		150	9	2	1	
	206167	56865	9301	4509	552	2847	203670	57326	9620	7019

*Donley County Lieutenant-Governor's name left off, 395.